

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

SENATE BILL

No. 125

Introduced by Senator Chesbro
(Coauthors: Assembly Members Berg and Wiggins)

February 5, 2003

An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 125, as amended, Chesbro. Workers' compensation: leave of absence for disability: welfare fraud investigators.

Existing law provides that certain peace officers, firefighters, and other specified state and local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would extend this leave of absence entitlement to county welfare fraud investigators and inspectors. *The bill would also extend this leave of absence entitlement to a coroner and deputy coroner employed by a county of the first class.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4850 of the Labor Code is amended to
2 read:

1 4850. (a) Whenever any person listed in subdivision (b) who
2 is a member of the Public Employees' Retirement System or the
3 Los Angeles City Employees' Retirement System or subject to the
4 County Employees Retirement Law of 1937 (Chapter 3
5 (commencing with Section 31450) of Part 3 of Division 4 of Title
6 3 of the Government Code) is disabled, whether temporarily or
7 permanently, by injury or illness arising out of and in the course
8 of his or her duties, he or she shall become entitled, regardless of
9 his or her period of service with the city, county, or district, to a
10 leave of absence while so disabled without loss of salary in lieu of
11 temporary disability payments or maintenance allowance
12 payments under Section 139.5, if any, which would be payable
13 under this chapter, for the period of the disability, but not
14 exceeding one year, or until that earlier date as he or she is retired
15 on permanent disability pension, and is actually receiving
16 disability pension payments, or advanced disability pension
17 payments pursuant to Section 4850.3.

18 (b) The persons eligible under subdivision (a) include all of the
19 following:

20 (1) City police officers.

21 (2) City, county, or district firefighters.

22 (3) Sheriffs.

23 (4) Officers or employees of any sheriff's offices.

24 (5) Inspectors, investigators, detectives, or personnel with
25 comparable titles in any district attorney's office.

26 (6) County probation officers, group counselors, or juvenile
27 services officers.

28 (7) Officers or employees of a probation office.

29 (8) Peace officers under Section 830.31 of the Penal Code
30 employed on a regular, full-time basis by a county of the first class.

31 (9) Lifeguards employed year round on a regular, full-time
32 basis by a county of the first class.

33 (10) Airport law enforcement officers under subdivision (d) of
34 Section 830.33 of the Penal Code.

35 (11) Harbor or port police officers, wardens, or special officers
36 of a harbor or port district or city or county harbor department
37 under subdivision (a) of Section 830.1 or subdivision (b) of
38 Section 830.33 of the Penal Code.

39 (12) Police officers of the Los Angeles Unified School District.

1 (13) County welfare fraud investigators or inspectors, as
2 specified in subdivision (a) of Section 830.35 of the Penal Code.

3 (14) *A coroner and deputy coroner, as specified in subdivision*
4 *(c) of Section 830.35 of the Penal Code, employed by a county of*
5 *the first class.*

6 (c) This section shall apply only to persons listed in subdivision
7 (b) who meet the requirements of subdivision (a) and does not
8 include any of the following:

9 (1) Employees of a police department whose principal duties
10 are those of a telephone operator, clerk, stenographer, machinist,
11 mechanic, or otherwise, and whose functions do not clearly fall
12 within the scope of active law enforcement service.

13 (2) Employees of a county sheriff's office whose principal
14 duties are those of a telephone operator, clerk, stenographer,
15 machinist, mechanic, or otherwise, and whose functions do not
16 clearly come within the scope of active law enforcement service.

17 (3) Employees of a county probation office whose principal
18 duties are those of a telephone operator, clerk, stenographer,
19 machinist, mechanic, or otherwise, and whose functions do not
20 clearly come within the scope of active law enforcement service.

21 (4) Employees of a city fire department, county fire
22 department, or fire district whose principal duties are those of a
23 telephone operator, clerk, stenographer, machinist, mechanic, or
24 otherwise, and whose functions do not clearly fall within the scope
25 of active firefighting and prevention service.

26 (d) If the employer is insured, the payments which, except for
27 this section, the insurer would be obligated to make as disability
28 indemnity to the injured, the insurer may pay to the insured.

29 (e) No leave of absence taken pursuant to this section by a peace
30 officer, as defined by Chapter 4.5 (commencing with Section 830)
31 of Title 3 of Part 2 of the Penal Code, or by a city, county, or district
32 firefighter, shall be deemed to constitute family care and medical
33 leave, as defined in Section 12945.2 of the Government Code, or
34 to reduce the time authorized for family care and medical leave by
35 Section 12945.2 of the Government Code.